

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 26 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RACHELL BENNETT,

Defendant.

Case No. 96-CR-93-W

ENTERED ON DOCKET

JUN 27 1997

DATE

ORDER

FOR GOOD CAUSE SHOWN, Plaintiff's Motion for Leave to Dismiss (Docket #8) is granted. The Information against Rachell Bennett is dismissed without prejudice.

Dated this 25th day of June, 1997.


JOHN LEO WAGNER
UNITED STATES MAGISTRATE JUDGE

s:\orders\bennett

FILED

JUN 25 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

vs.

DONALD LEE HAYES, JR.

Docket No. 94-CR-105-001-B ✓

EOO 6/26/97

ORDER REVOKING SUPERVISED RELEASE

Now on this 19th day of June 1997, this cause comes on for sentencing concerning allegations that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on May 7, 1997. The defendant is present in person and represented by counsel, David C. Phillips, III. The Government is represented by Assistant U.S. Attorney Kevin Leitch, and the United States Probation Office is represented by J. Mark Ogle.

The defendant was heretofore convicted on his plea of guilty for a violation of 18 U.S.C. §§ 2113 & 2, Bank Burglary and Aiding and Abetting. The defendant was sentenced to a eighteen (18) month custody sentence to be followed by a three (3) year term of supervised release. In addition to the standard conditions of supervised release, he was also ordered to participate in a program of drug aftercare treatment as directed by the Probation Officer as well as a Special Search Condition and the "Special Financial Condition". Hayes was additionally ordered to pay \$7,240.00 in restitution. On November 1, 1996, ~~the court~~ ^{the court} ~~Your Honor~~ ^{the court} signed a petition modifying his supervised release conditions to include mental health treatment at the discretion of the Probation Office.

On June 19, 1997, a revocation hearing was held regarding the allegations noted in the Petition on Supervised Release, filed on May 7, 1997, said allegations being that the subject violated the drug aftercare


condition by submitting positive urinalysis results on eight occasions and for being charged with a new law violation that included possession of a firearm. The defendant stipulated to the allegations as alleged in the Petition. Sentencing was set immediately.

On June 5, 1997, as a result of the sentencing hearing, the Court found that the violations occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guidelines is applicable. Further, the Court found that the violations of supervised release constituted a Grade A violation in accordance with U.S.S.G. § 7B1.1(a)(1), and that the defendant's original Criminal History Category of I was applicable for determining the imprisonment range. In addition, the Court found that a Grade A violation and a Criminal History Category of I establish a revocation imprisonment range of twelve (12) to eighteen (18) months. In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following was ordered:

The defendant, Donald Lee Hayes, Jr., is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of fifteen (15) months. The Court recommends that the defendant be placed in the Bureau of Prisons' El Reno, Oklahoma facility.

The defendant is remanded to the custody of the U.S. Marshal for transportation to the designated U.S. Bureau of Prisons' institution.

Defendant was advised of his right to appeal.


The Honorable Thomas R. Brett
United States District Judge

FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

JUN 24 1997 *rm*

Phil Lombardi, Clerk
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

Case Number 96-CR-172-001-H

STRAP SILVER DAVIS
 Defendant.

ENTERED ON DOCKET

DATE 6-24-97**AMENDED JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

The Court, Sua Sponte, Vacates the Order and Judgement Pronounced May 2, 1997

The defendant, STRAP SILVER DAVIS, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed Counts 2 & 3 of the Indictment.

The defendant pleaded guilty on January 31, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1708	Theft or Receipt of Stolen Mail Matter	11/19/96	1

As pronounced on June 16, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19TH day of JUNE, 1997.


 The Honorable Sven Erik Holmes
 United States District Judge

United States District Court) SS
 Northern District of Oklahoma)

I hereby certify that the foregoing
 is a true copy of the original on file
 in this court.

Phil Lombardi, Clerk

Defendant's SSN: 541-70-9385

Defendant's Date of Birth: 6/20/53

Defendant's residence and mailing address: 6333 E. Skelly Drive, Tulsa OK

74135 Rosanne Smille
 Deputy

Defendant: STRAP SILVER DAVIS
Case Number: 96-CR-172-001-H

PROBATION

The defendant is hereby placed on probation for a term of five (5) years.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall serve the first six (6) months in community confinement, as scheduled, arranged, and approved by the U. S. Probation Office. The defendant may be allowed to maintain employment while in community confinement.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: STRAP SILVER DAVIS
Case Number: 96-CR-172-001-H

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 3,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of Probation.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: STRAP SILVER DAVIS
Case Number: 96-CR-172 001-H

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$2,833.22, as to Count 1.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
State Bank & Trust Attn: Keith Parsons 502 S. Main Mall Tulsa OK 74103	\$665.00
Reasors Food Market Attn: Gayle 5616 W. Skelly Drive Tulsa OK 74107	\$1,698.27
Boatmen's Bank Attn: Leslie Mayes reference to High Tech Signs 5950 E. Admiral Place Tulsa OK 74115	\$469.95

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: STRAP SILVER DAVIS
Case Number: 96-CR-172-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	12
Criminal History Category:	I
Imprisonment Range:	10 months to 16 months
Supervised Release Range:	2 years to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ 2,833.22

The sentence departs from the guideline range for the following reason(s): Pursuant to USSG § 5K2.0, the Court grants a two-level downward departure based on extraordinary post conviction drug rehabilitation.

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UNITED STATES DISTRICT COURT

Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-114-002-K

CHARLOTTE ANN BAILEY
Defendant.

FILED

JUN 17 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

The defendant, CHARLOTTE ANN BAILEY, was represented by Keith Ward.

On motion of the United States the court has dismissed Counts 1 through 5 of the Superseding Indictment.

The defendant pleaded guilty on February 24, 1997, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 844	Simple Possession of Marijuana	8/23/94	1

As pronounced on June 11, 1997, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 25, for count(s) 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 17 day of June, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 440-46-5374

Defendant's Date of Birth: 3/4/45

Defendant's residence and mailing address: Rt. 1 Box 105, Afton OK 74331

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Defendant: CHARLOTTE ANN BAILEY
Case Number: 96-CR-114-002-K

PROBATION

The defendant is hereby placed on probation for a term of three (3) year(s).

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: CHARLOTTE ANN BAILEY
Case Number: 96-CR-114-002-K

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 2,000. This fine shall be paid in full immediately, Any amount not paid immediately shall be paid during the period of Probation.

The defendant shall pay \$300 for the investigation and prosecution costs.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: CHARLOTTE ANN BAILEY
Case Number: 96-CR-114-002-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except the Court amended line number 2 within paragraph 11 to state, "Wilson and Bailey had drawn attention to their property after fencing some of their property lines and utilizing guard dogs to keep others off their land.

Guideline Range Determined by the Court:

Total Offense Level:	2
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	1 year
Fine Range:	\$ 1,000 to \$ 5,000
Restitution:	\$ n/a

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

6/19/97

UNITED STATES OF AMERICA

v.

Case Number 96-CR-148-003-K

DAMIEN TYRONE WOODS
Defendant.

FILED

JUN 17 1997

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, DAMIEN TYRONE WOODS, was represented by C.W. Hack.

On motion of the United States the court has dismissed Counts 3 & 4 of the Indictment.

The defendant pleaded guilty on November 13, 1996, to Counts 1 & 2 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
8 USC 371	Conspiracy to Commit Armed Bank Robbery	09/18/96	1
18 USC 2113(a),(d)	Armed Bank Robbery &	09/18/96	2
18 USC 2	Aiding & Abetting		

As pronounced on June 11, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 200, for count(s) 1 & 2 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 17 day of June, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 443-78-5763

Defendant's Date of Birth: 09/18/78

Defendant's mailing address: 775 1/2 E. Queen Street, Tulsa OK 74106

Defendant's residence address: 500 S. Denver Ave, Tulsa OK 74103

Defendant: DAMIEN TYRONE WOODS
Case Number: 96-CR-148-003-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 72 months. This term consists of 60 months on Count 1, and 72 months imposed on Count 2, said sentence to run concurrently, each with the other.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be placed at a facility that can adequately address his substance abuse and provide treatment for such during service of this sentence.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: DAMIEN TYRONE WOODS
Case Number: 96-CR-148-003-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years. This term consists of five (5) years on Count 1 and three (3) years on Count 2, said terms to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: DAMIEN TYRONE WOODS
Case Number: 96-CR-148-003-K

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution as to Count 2, in the total amount of \$10,180.71.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Liberty Bank Attn: Janet Seigel PO Box 25848 Oklahoma City OK 73132	\$1,544.50
ICI Americas Attn: C. Fountain PO Box 819 Valley Forge Pennsylvania 19482	\$4,687.50
Dan F. O'Rourke 1520 E. 41 Street Tulsa OK 74105	\$48
Hall Security Services 8301 E. 51 Street Tulsa OK 74145	\$739.75
Paul R. Schrader 11527 E. 7th Street Tulsa OK 74116	\$882.38
American States Insurance Company 7912 E. 31 Street Tulsa OK 74145	\$1,678.58
Phyllis Williams 651 E. Mohawk Blvd. Tulsa OK 74106	\$750

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prison's Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no payment is to be made after the sum of the amounts paid by all defendants has fully covered the compensable injuries.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: DAMIEN TYRONE WOODS
Case Number: 96-CR-148-003-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	31	
Criminal History Category:	I	
Imprisonment Range:	60 months	Count 1
	108 months to 135 months	Count 2
Supervised Release Range:	2 to 3 years	Count 1
	3 to 5 years	Count 2
Fine Range:	\$ 15,000 to \$ 150,000	Count 1 & 2
Restitution:	\$ 10,180.71	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is departs from the guideline range: upon motion of the government, as a result of defendant's substantial assistance.

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FILED

JUN 18 1997

UNITED STATES DISTRICT COURT
Northern District of OklahomaPhil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-082-002-C

COLLEEN MOORE
Defendant.

ENTERED ON DOCKET

DATE 6/19/97**JUDGMENT IN A CRIMINAL CASE**
(For Offenses Committed On or After November 1, 1987)

The defendant, COLLEEN MOORE, was represented by Reuben Davis.

On motion of the United States the court has dismissed Count 4 of the Indictment.

The defendant pleaded guilty on January 6, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy to Interfere With Administration of Internal Revenue Laws	06/30/94	1

As pronounced on June 5, 1997, the defendant is sentenced as provided in pages 2 through 3 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 18 day of June, 1997.

 The Honorable H. Dale Cook
 United States District Judge

Defendant's SSN: 459-46-0993

Defendant's Date of Birth: 12/31/30

Defendant's residence and mailing address: 916 E. Hensley Blvd, Bartlesville OK 74003

 United States District Court } SS
 Northern District of Oklahoma }
 I hereby certify that the foregoing
 is a true copy of the original on file
 in this court. Phil Lombardi, Clerk

 By Brenda M. Hays
 Deputy

Defendant: COLLEEN MOORE
Case Number: 96-CR-082-002-C

PROBATION

The defendant is hereby placed on probation for a term of five (5) years.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The Defendant is prohibited from participating in activities designed to impede, harass, or obstruct IRS Agents or Administration of Internal Revenue laws.

STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: COLLEEN MOORE
Case Number: 96-CR-082-002-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	11
Criminal History Category:	I
Imprisonment Range:	8 months to 14 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range for the following reason(s): The court finds that there exists a unique combination of factors, her age and lack of criminal history, her family ties and responsibilities, the financial hardship imposed by the incarceration of her husband, and the aberrant nature of her behavior based on her history that place this case outside the heartland of typical cases which the applicable guideline describes. This finding is in accordance with U.S. v Pena, 930 F.2d 1486 (10th Cir. 1991), Koon v U.S. 116 S.Ct. 2035 (1996), and USSG §5K2.0. Accordingly, the Court elects to depart downward three levels to the offense level of 8, Criminal History Category I, for a guideline custody range from 0 to 6 months. These factors combined lead the Court to determine that a custody term is not necessary to meet the sentencing objectives of just punishment and deterrence.

FILED

JUN 18 1997

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

Phil Lombardi, Clerk
 U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-082-001-C

ENTERED ON DOCKET

DATE 6/19/97

KENNEY F. MOORE
 Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, KENNEY F. MOORE, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed Counts 2 through 4 of the Indictment.

The defendant pleaded guilty on January 6, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
8 USC 371	Conspiracy to Interfere With Administration of Internal Revenue Laws	06/30/94	1

As pronounced on June 5, 1997, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 18 day of June, 1997.


 The Honorable H. Dale Cook
 United States District Judge

Defendant's SSN: 235-24-2479

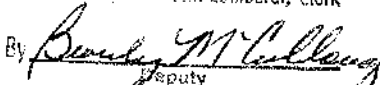
Defendant's Date of Birth: 12/18/23

Defendant's residence and mailing address: 916 E. Hensley, Bartlesville OK 74003

United States District Court)
 Northern District of Oklahoma) SS

I hereby certify that the foregoing is a true copy of the original on file in this court.

Phil Lombardi, Clerk

By 
 Deputy

Defendant: KENNEY F. MOORE
Case Number: 96-CR-082-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day.

The Court makes the following recommendations to the Bureau of Prisons: That the Defendant be confined at a camp or other very low security institution.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on July 21, 1997.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: KENNEY F. MOORE
Case Number: 96-CR-082-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: KENNEY F. MOORE
Case Number: 96-CR-082-001-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

[Handwritten signature]

FILED

JUN 18 1997

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

Phil Lombardi, Clerk
 U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-113-001-C

DAN LESLIE MEADOR
 Defendant.

CLERK'S OFFICE
 DATE 6/19/97

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, DAN LESLIE MEADOR, appeared pro se, having waived counsel.

The defendant was found guilty on January 10, 1997, on Counts 1, 2, & 3 of the Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such counts, involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1503	Obstruction of Justice	7/17/96	1
8 USC 1504	Communicating With Grand Juror in Writing	11/12/95	2
18 USC 1504	Communicating With Grand Juror in Writing	11/16/95	3

As pronounced on June 5, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 120, for count(s) 1, 2, & 3 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the _____ day of _____, 1997.



The Honorable H. Dale Cook
 United States District Judge

Defendant's SSN: 511-44-3214

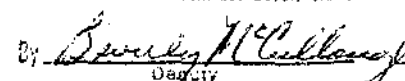
Defendant's Date of Birth: 12/16/44

Defendant's residence and mailing address: 1108 North 2nd, Ponca City OK

United States District Court)
 Northern District of Oklahoma) SS

I hereby certify that the foregoing
 is a true copy of the original on file
 in this court.

Phil Lombardi, Clerk

By: 
 Deputy

Defendant: DAN LESLIE MEADOR
Case Number: 96-CR-113-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of sixteen (16) months. This term consists of 12 as to Count 1; 4 months as to Counts 2 & 3, said counts to run concurrently to one another, but consecutive to the sentence imposed in Count 1, for a total sentence as to all counts of sixteen (16) months.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: DAN LESLIE MEADOR
Case Number: 96-CR-113-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years as to Count 1.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. The defendant shall comply with all statutes and regulations related to the IRS and its tax collection duties. In addition, the defendant shall not illegally obstruct the IRS in any manner, assist another person or persons in similar obstructive conduct, or cause such action to occur.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: DAN LESLIE MEADOR
Case Number: 96-CR-113-001-C

FINE

The defendant shall pay a fine of \$ 2,000 as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: DAN LESLIE MEADOR
Case Number: 96-CR-113-001-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	10	
Criminal History Category:	1	
Imprisonment Range:	6 months to 12 months	Count 1
	6 months by statute	Counts 2 & 3
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$ 2,000 to \$ 20,000	Count 1
Restitution:	\$ n/a	

The sentence is within the guideline range, that does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application of the guidelines.

[Handwritten signature]

RECEIVED ON DEC 6-18-97

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 16 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
PRESTON STANLEY DUTTON,)
)
Defendant.)

No. 96-CR-152-K ✓

O R D E R

On June 12, 1997, the Court received a facsimile from the Defendant, Preston Stanley Dutton. This facsimile contained what appeared to be five "motions" expressing various grounds for dismissal of the criminal conviction and sentence in this matter. The first motion asserts that attorney Craig Bryant should be dismissed for ineffective assistance of counsel. The second motion contends that the charges against Defendant should be dropped, due to a "conspiracy" in the Public Defender's Office to deprive the Defendant of a fair trial. The third motion indicates that the conviction should be overturned or a new trial should be held because the Defendant's mother possesses new evidence which the Defendant claims to be exculpatory. The Defendant's fourth motion asserts violations of his constitutional and civil rights, and the fifth and final motion alleges that the agents testifying in his trial committed perjury.

The Court will interpret this facsimile as an attempt by the Defendant to file with the Court a motion pursuant to 28 U.S.C. § 2255. See, *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (stating that filings of pro se litigants should be liberally construed).

The Court cannot consider this "motion" for two reasons: First, the Defendant has failed to properly file his motion as required by the Federal Rules of Criminal Procedure. Specifically, motions may not be filed with this Court via facsimile. Motions must either be hand-delivered or mailed with an original signature attached. Additionally, motions pursuant to 28 U.S.C. § 2255 must adhere to a specific form, a model copy of which shall be enclosed with this order.

Second, the Court will not consider Defendant's motion at this time because the Defendant filed his notice of appeal in this matter with the United States Court of Appeals for the 10th Circuit on May 22, 1997. Absent extraordinary circumstances, the orderly administration of criminal justice precludes a district court from considering a 2255 motion while review of the direct appeal is still pending. *United States v. Cook*, 997 F.2d 1312, 1319 (10th Cir. 1993). Defendant has failed to present any evidence that his circumstances are extraordinary, or why the issues presented in this motion cannot be raised on direct appeal to the United States Court of Appeals for the 10th Circuit.

For the foregoing reasons, Defendant's motion is DISMISSED without prejudice to refiling after a decision is rendered by the Court of Appeals.

ORDERED this 13 day of June, 1997.


TERRY C. KERN, CHIEF
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 18 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TARRELL DEMOND BROWN,

Defendant.

Case No. 92-CR-84-E ✓
(96-CV-1031-E)

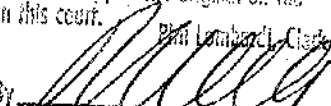
ORDER

Now before the Court is the Motion Pursuant to 28 U.S.C. §2255 to Vacate, Set Aside, or Correct a Sentence by a person in Federal Custody (Docket #10).

Brown pleaded guilty to one count of Possession of a Firearm in a School Zone and was sentenced to five years probation. He filed this Motion to Vacate asserting that his conviction is "no longer valid," under the authority of United States v. Lopez, 514 U.S. 549 (1995). In its response, the government concedes defendant's motion, agreeing that the statute under which he was convicted has been held unconstitutional in Lopez. For Good Cause Shown, the Court therefore finds that defendant's motion (docket #10) should be granted.

IT IS SO ORDERED THIS 18th DAY OF JUNE, 1997.


JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this court.
Phil Lombardi, Clerk
By  Deputy

16

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 13 1997

UNITED STATES OF AMERICA

Plaintiff

vs

RHONDA MARY ARTERBURN,

Defendant

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Criminal No. 86-CR-03-B

ENTERED ON DOCKET

DATE JUN 17 1997

ORDER

This matter comes on for consideration of the petition of the United States of America for remission of fine. Upon review of the motion and the record herein, the Court finds that there is no reasonable likelihood that expending further efforts to collect this fine would produce any revenue to the United States.

IT IS THEREFORE ORDERED that this court remit the fine and penalty assessment, including interest and penalty.


UNITED STATES DISTRICT JUDGE

LFR/sba

1997

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-163-002-H

FILED

JUN 17 1997
Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

PEDRO CRUZ-CASTENEDA
Defendant.

ENTERED ON DOCKET

DATE JUN 17 1997

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, PEDRO CRUZ-CASTENEDA, was represented by Stanley D. Monroe.

On motion of the United States the court has dismissed Counts 2 & 3 of the Superseding Indictment.

The defendant pleaded guilty on February 19, 1997, to Count 1 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy	10/3/96	1

As pronounced on May 21, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.


It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 of the Superseding Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 10TH day of JUNE, 1997.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 467-02-9474
Defendant's Date of Birth: 2/28/49
Defendant's residence and mailing address: 832 Cari Street, Salinas CA 93905

United States District Court
Northern District of Oklahoma
I hereby certify that the foregoing
is a true copy of the original on file
in this court.
Phil Lombardi, Clerk
By 
Deputy

Defendant: PEDRO CRUZ-CASTENEDA
Case Number: 96-CR-163-002-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 10 months.

The Court makes the following recommendations to the Bureau of Prisons: Classification provisions permitting, that the defendant be confined in a facility near his residence located in Salinas, California.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on June 20, 1997.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: PEDRO CRUZ-CASTENEDA
Case Number: 96-CR-163-002-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of four (4) months, to commence within 72 release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
6. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: PEDRO CRUZ-CASTENEDA
Case Number: 96-CR-163-002-H

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 5,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: PEDRO CRUZ-CASTENEDA
Case Number: 96-CR-163-002-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	11
Criminal History Category:	I
Imprisonment Range:	8 months to 14 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ n/a

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

14m

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 11 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

THRESSA D. DORSEY,

Defendant.

No. 97-CR-58-CH

ENTERED ON DOCKET

DATE JUN 13 1997

ORDER

Now on this 10TH day of ~~May~~ ^{JUNE}, 1997, this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Information filed on May 7, 1997, against defendant in the above styled cause. The Court finds that said request ought to be granted and the Information filed May 7, 1997 against defendant THRESSA D. DORSEY is dismissed, without prejudice.

IT IS SO ORDERED.



United States Judge

FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

JUN 13 1997 *Cr*Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-155-002-K ✓

GARY LYNN HART
Defendant.E. FILED
6-13-97

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, GARY LYNN HART, was represented by Craig Bryant.

The defendant pleaded guilty on February 12, 1997, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

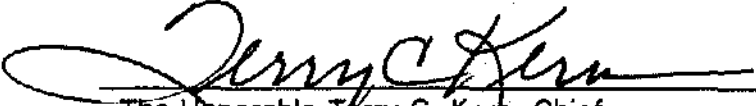
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 513	Uttering Counterfeit	08/03/96	1
18 USC 2	Securities & Aiding & Abetting		

As pronounced on June 13, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 13 day of June, 1997.


 The Honorable Terry C. Kern, Chief
 United States District Judge

Defendant's SSN: 443-48-9602

Defendant's Date of Birth: 04/13/48

Defendant's residence and mailing address: 500 S. Denver, Tulsa OK 74103

Defendant: GARY LYNN HART
Case Number: 96-CR-155-002-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 21 months.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: GARY LYNN HART
Case Number: 96-CR-155-002-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
8. The defendant shall participate in and successfully complete domestic violence counseling, anger management counseling, and any other behavior modification counseling as directed by the Probation Officer, until released from the program by the Probation Officer.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: GARY LYNN HART
Case Number: 96-CR-155-002-K

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$175,057.10.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>			<u>Amount of Restitution</u>
David Anderson 5419 E. 110th Pl. Tulsa OK 74137	\$1,200.00	Farmer's Insurance Claim #N595687 PO Box 470244 Tulsa OK 74147-0244	\$1,000.00
Carl Beck 28783 E. 61 St. Broken Arrow OK 74014	3,200.00	Frankie Clark Rt. 4, Box 1 Wagoner OK 74467	664.50
Michael Calavan 621 E. 53rd Street S. Muskogee OK 74403	4,125.00	Gordon Dill 435 Dickerson Lane Columbia MS 39701	6,300.00
Jay Edzards 600 Shadow Creek Ct. Norman OK 73072	1,100.00	Hartford Insurance Claim #993MD08256 Policy #38P4592900 3520 N.W. 58th Oklahoma City OK 73112	10,900.00
Greg Frizzell 1413 Truman Ave Wagoner OK 74467	1,300.00	Allstate Insurance Claim #4654095703 5800 E Skelly Dr, Ste 1000 Tulsa OK 74135	13,700.00
D.L. Foraker 4918 SE Hardin Drive Lawton OK 73501	142.40	Hartford Insurance Co. Claim #993MD04045 3520 NW 58th Street Oklahoma City OK 73112	5,657.60
USAA Insurance Claim #4327799 PO Box 33490 San Antonio TX 78265	7,169.50	Les Peterson 1750 N. Aspen Broken Arrow OK 74012	2,000.00

Silvey Insurance Co. Claim #A920041-05-001 Attn: Becky Brown File PO Box 3269 Tulsa OK 74102	18,964.10	Robert Hughes 1310 Aspen Lane Catoosa, OK 74015	3,300.00
Robert Tesey 11529 Cibola Drive Broken Arrow OK 74012	500.00	Rena Lindeman 129 Mockingbird Lane Claremore OK 74017	2,250.00
Farmer's Insurance Claim #38112723 PO Box 470244 Tulsa OK 74147	9,800.00	John McCoy Rt. 1 Box 574 Sperry, OK 74073	7,250.00
Cecile McDaniel Rt. 2 Box 187 Coweta OK 74429	4,600.00	Joseph McLaughlin 200 Janeway Dr, #104 Cullman AL 35505	8,000.00
Michaela Mootry 462 Earlene Ave Inola OK 74036	1,200.00	Jerry Nance 2807 E 3rd Street Tulsa OK 74014	2,200.00
Deborah Negrete 1936 W. Pittsburgh Broken Arrow OK 74012	3,800.00	James C. Niles 1492 Summerton Pl. Yukon OK 73099	17,600.00
James Pennington 8226 S 74 E Ave Tulsa OK 74133	12,500.00	Commercial Union Ins. PO Box 268801 Oklahoma City OK 73126	8,634.00
Janet Schuller 13137 E 79 Ct. North Owasso OK 74055	115.62	State Farm Insurance Claim#36-D394-899 PO Box 1589 Broken Arrow OK 74013	1,584.38
Brad Stroud 806 Rockwood Mounds OK 74047	4,300.00	Phyllis Vaden 812 E. Michigan Phoenix AZ 85022	22.00
Allstate Insurance 5800 E Skelly Dr, Ste 1000 Tulsa OK 74135	9,978.00		

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: GARY LYNN HART
Case Number: 96-CR-155-002-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	II
Imprisonment Range:	15 months to 21 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 546,833
Restitution:	\$ 175,057.10

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 97-CR-004-01-H

JACKIE LYNN MARTIN
Defendant.

FILED

JUN 13 1997

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, JACKIE LYNN MARTIN, was represented by William E. Hughes.

The defendant was found guilty on March 14, 1997, on Counts 1 through 8 of the Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1951 & 559(c)	Interference With Commerce By Threats of Violence	12/19/96	1, 4, & 7
18 USC 924 (c)	Use of Firearm During Federal Crime of Violation	12/19/96	2 & 5
18 USC 922(g)	Possession of Firearm By Convicted Felon	12/19/96	3 & 6
18 USC 2113(a) & (d) & 3559(c)	Bank Robbery	12/19/96	8

As pronounced on June 13, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 800, for count(s) 1 through 8 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 13TH day of JUNE, 1997.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 445-46-7762

Defendant's Date of Birth: 5/6/47

Defendant's mailing address: c/o U.S. Marshal

Defendant's residence address: 7130 Hawthorne Ridge, Woodridge IL

Defendant: KUNTA KINTE JORDAN
Case Number: 96-CR-146-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JACKIE LYNN MARTIN
Case Number: 97-CR-004-01-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years. This term consists of five (5) years as to Counts 1, 3-8; and three (3) years as to Count 2, all counts to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JACKIE LYNN MARTIN
Case Number: 97-CR-004-01-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$1,071.10.

This amount is the total of the restitution imposed on individual counts, as follows: \$750 on Count 1, and \$321.10 on Count 7.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Dry Clean Supercenter Attn: Rod Cleavelin 7216 East 41 Street Tulsa OK	\$750.00 as to Count 1
Total Petroleum Attn: Tim Sullivan 101 South Union Tulsa OK	\$109.00 as to Count 7
Thelma Lantz 13940 Elm Avenue Glenpool OK 75033	\$212.10 as to Count 7

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: JACKIE LYNN MARTIN
Case Number: 97-CR-004-01-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	37	
Criminal History Category:	VI	
Imprisonment Range:	life	Counts 1, 3-8
	60 months	Count 2
Supervised Release Range:	3 to 5 years	Counts 1, 3-8
	2 to 3 years	Count 2
Fine Range:	\$ 17,500 to \$ 175,000	Counts 1-8
Restitution:	\$ 1,071.10	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is the guideline sentence, and the court finds no reason to depart from the sentence called for by application of the guidelines.

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FILED

JUN 12 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CASE No. 97-61M

ENTERED ON DOCKET

DATE 6-13-97

The above captioned case is hereby DISMISSED WITHOUT PREJUDICE.

So ordered this 12th day of June, 1997.

Frank H. McCarthy
FRANK H. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this court.

Phil Lombardi, Clerk

B

Deput

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET
6-11-97

FILED
IN OPEN COURT

JUN 10 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

No. 97-CR-10-K ✓

JENNIFER L. CHRONISTER,)

Defendant.)

ORDER OF DISMISSAL

Upon application of the United States Attorney, the Court finds that as to defendant, **JENNIFER L. CHRONISTER**, on the 10th day of June, 1997, the defendant was accepted for pretrial diversion and, therefore, the Indictment filed in the above styled and numbered cause should be ordered dismissed without prejudice to the refiling thereof.

THEREFORE, IT IS ORDERED by the Court that the Indictment filed against the defedant, **JENNIFER L. CHRONISTER**, in the above styled and numbered cause be and the same is hereby dismissed without prejudice to the refiling thereof.


TERRY C. KERN, Chief
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 5 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES LANGHAM,

Defendant.

No. 90-CR-103-C
97-C-395

ENTERED ON DOCKET

DATE JUN 6 1997

ORDER

Currently pending before the Court is the motion filed by defendant, Charles Langham, seeking to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255.

On September 6, 1990, Langham was named an Indictment for a violation of federal controlled substance laws. On May 2, 1991, Langham pled guilty to conspiracy to possess with intent to distribute and distribution of 50 grams or more of cocaine base ("crack"), in violation of 21 U.S.C. §§ 841(a)(1) and 846. On July 25, 1991, Langham was sentenced to life imprisonment. Langham's conviction and sentence were affirmed on appeal in an unpublished opinion. U.S. v. Langham, 991 F.2d. 806 (10th Cir.1993), cert. denied, 510 U.S. 871 (1993).

On April 21, 1997, Langham's present § 2255 motion was filed. Langham moves this Court to vacate, set aside, or correct the sentence imposed upon him on the following grounds: (1) ineffective assistance of counsel at sentencing and on appeal; and (2) newly developed case law.

Prior to addressing the merits of Langham's motion, the Court notes that § 2255, as amended in April of 1996, provides for a one-year limitations period in which to file a § 2255 motion. The Court further notes that if the Court were to apply the limitations period to Langham, his motion

11/6

would be time-barred. However, the Tenth Circuit has recently mandated a one-year grace period in which to allow the filing of § 2255 motions, holding that "prisoners whose convictions became final on or before April 24, 1996 must file their § 2255 motions before April 24, 1997." U.S. v. Simmonds, 111 F.3d 737 (10th Cir.1997). Since Langham's present motion was submitted prior to April 24, the motion is not time-barred under § 2255, as amended.

Typically, "§ 2255 is not available to test the legality of matters which should have been raised on appeal." U.S. v. Walling, 982 F.2d 447, 448 (10th Cir.1992). A failure to raise an issue on direct appeal acts as a bar to raising the issue in a § 2255 motion, unless Langham can show cause and actual prejudice, or can show that a fundamental miscarriage of justice will result if his claim is not addressed. U.S. v. Allen, 16 F.3d 377, 378 (10th Cir.1994). This procedural bar applies to collateral attacks on a defendant's sentence, as well as his conviction. Id. Since the government raised this procedural bar in the instant case, this Court must enforce it and hold Langham's claims barred unless cause and prejudice or a miscarriage of justice is shown. Id.

In order to evade this procedural bar, Langham relies upon the well-established exception (and now the universal claim) of ineffective assistance of counsel. "A defendant may establish cause for procedural default by showing he received ineffective assistance of counsel." U.S. v. Cox, 83 F.3d 336 (10th Cir.1996). To succeed on a claim of ineffective assistance of counsel, Langham must satisfy the rigid standard contained in Strickland v. Washington, 466 U.S. 668 (1984). The Supreme Court in Strickland held that a claim of ineffective assistance of counsel has two components. First, Langham must show that his attorney "made errors so serious that counsel was not functioning as the 'counsel' guaranteed . . . by the Sixth Amendment." Id. at 687. "The proper standard for attorney performance is that of reasonably effective assistance." Id. Therefore, to succeed, Langham must

show that his counsel's performance fell below an objective standard of reasonableness. Furthermore, Langham must show that "the deficient performance prejudiced the defense." Id. However, "a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance . . ." Id. at 689. For the reasons stated below, the Court finds that Langham failed to establish ineffective assistance under the standard enunciated in Strickland.

Langham first asserts that his counsel was ineffective at sentencing. Specifically, Langham argues that his counsel failed to address the issue of "double counting" in establishing the guideline range. Langham contends that the total amount of drugs as well as the weapons enhancement were imposed based on conduct committed by Langham in 1986. Langham maintains that this information was used to enhance his base level offense and was also used to impose a mandatory minimum sentence and used to establish two prior drug trafficking offenses.

The Court, however, agrees with the government's position that no impermissible double counting occurred in the present case. From a review of the record, it is clear that the total amount of drugs, as well as a weapons enhancement, were used in determining Langham's total offense level. The presentence report ("PSR") attributes more than fifteen kilograms of cocaine base to Langham, which resulted in a base offense level of forty-two, pursuant to § 2D1.1(a)(3) and (c)(1) of the Guidelines in effect at the time of sentencing. The PSR indicated that Langham was in possession of a derringer firearm when he was arrested on December 9, 1986, which resulted in a two point enhancement for possession of a dangerous weapon during the commission of the offense, pursuant to § 2D1.1(b)(1). Finally, the PSR assigned a three level enhancement for Langham's role as a manager or supervisor, pursuant to § 3B1.1(b). The PSR assigned a criminal history score of nine, resulting in a Criminal History Category of IV. Pursuant to the Guideline's sentencing table, the

minimum sentence which can be imposed on a total offense level of 47 with a History Category of IV is life imprisonment. Indeed, any level of 43 or above mandates life imprisonment, irrespective of the History Category.

In the present case, it is clear from the PSR that no double counting occurred. Langham is correct in his contention that the weapons enhancement and total amount of drugs were used in calculating his total offense level. However, Langham is incorrect in suggesting that these same facts were used to impose a mandatory minimum sentence or that his Criminal History Category included these facts. Paragraph 31 of the PSR specifically demonstrates that although Langham had previously been arrested for possession of a derringer firearm and a bag of cocaine, such offenses were considered conduct part of the offense outlined in the Indictment and, therefore, were not counted as part of his criminal history. Hence, no double counting occurred with respect to Langham's criminal history score. It is further apparent that each piece of information contained in the PSR was used only once in arriving at a total offense level. The mandatory minimum offense of life was required by the Guidelines based upon Langham's total offense level. The Court concludes that Langham's total offense level was properly calculated under the Guidelines in effect at the time of sentencing and that Langham was properly sentenced under the Guidelines. Thus, Langham has failed to demonstrate the prejudice prong of his ineffective assistance claim.

Langham contends that counsel was ineffective on appeal in failing to argue that this Court did not understand its authority to depart downward based upon codefendant sentence disparity. Langham maintains that during sentencing, counsel urged the Court to depart downward. To this request, Langham asserts that the Court responded that it was not aware of cases that grant authority to depart downward based on sentencing disparity. However, a review of the transcript does not

support Langham's assertion. During sentencing, Langham stated, "You're trying to tell me that everybody else is going to get a lesser sentence than I am?" To this, the Court responded that the sentences which Langham's codefendants receive have no bearing upon Langham's sentence. With respect to the necessity to comply with the Guidelines, the Court stated that it is "the responsibility of the Court to comply with [the Guidelines] . . . -- if in fact the Circuit Courts and other courts are telling the District Courts they may disregard the guidelines and revert back to the sentencing practices that we had prior to that, I am not aware of the cases that grant such authority." Thus, the Court did not, as Langham suggests, specifically find that it was not aware of cases granting the Court authority to depart downward due to sentencing disparity. Indeed, the Court stated during sentencing that the Court does recognize the right to modify sentences and deviate up or down in appropriate circumstances. However, the Court found that, in this particular case, there was no justification under the Guidelines for departure, and the Court therefore imposed the required life sentence.

Additionally, a review of recent Tenth Circuit precedent also reveals a hostility toward departing downward based upon mere discrepancy in sentencing. See, U.S. v. Contreras, 108 F.3d 1255, 1271 (10th Cir.1997) (for a departure from the Guidelines to be proper, there must be something "special" about a defendant or the accouterments of the crime, which distinguishes the case from the mine-run for that offense); U.S. v. Garza, 1 F.3d 1098, 1100 (10th Cir.1993), cert. denied, 510 U.S. 1018 (1993) (the guideline system was chosen in order to eliminate unwarranted disparities nationwide, but Congress could not have expected that the mere fact of disparity between a defendant's sentence and his codefendant's sentence would permit a departure; the guidelines therefore permit a judge to depart from the Guidelines only in unusual circumstances); U.S. v. Maden,

1997 WL 288999 (10th Cir.1997) (since district court did not identify any factors other than sentencing disparity in awarding a downward departure, Circuit found no basis for the departure, and therefore remanded the case for resentencing within the guideline range). The Court does not find that Langham's situation presents a situation demonstrating mitigating circumstances of a kind or degree not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described. 18 U.S.C. § 3553(b). The Court finds no basis for a downward departure. Hence, the Court concludes that if this issue had been raised on appeal, the result would have been the same.

Langham asserts that counsel could have raised a challenge to career offender enhancements on appeal. Langham contends that the offense of conviction is not an enumerated offense under 28 U.S.C. §994(h). The Court has researched the record and is perplexed by Langham's contention that he was sentenced as a career offender. There is nothing in the PSR which purports to assign an offense level based on a career offender enhancement. If Langham is attacking his Criminal History Category of IV, the Court notes that even if Langham had received a category of I, the Guidelines would nevertheless have mandated life imprisonment in this case. Further, it is apparent that § 994(h) did not enter into this Court's determination of Langham's sentence. Hence, even if this issue had been raised on appeal, the result would have been the same.

Lastly, Langham asserts that newly developed law requires a new sentencing proceeding. Langham argues that he was improperly sentenced pursuant to the Guidelines related to "crack" cocaine since the government failed to offer evidence that the present offense actually involved crack. Langham apparently relies on the November 1993 amendment to the Guidelines, which provides that cocaine base means crack. Amendment 487 amended the notes following § 2D1.1(c) by inserting the

paragraph which provides that cocaine base means crack, which is the street name for a form of cocaine base, usually prepared by processing cocaine hydrochloride and sodium bicarbonate. Langham maintains that no evidence was introduced to prove what type of cocaine base was involved, or what the ingredients were. However, the Court notes that Amendment 487 is not retroactive. Langham was sentenced prior to the effective date of Amendment 487. Accordingly, in order to benefit from a later enacted amendment to the Guidelines, § 1B1.10 must authorize the retroactive application. However, § 1B1.10(c) does not include Amendment 487 as being covered by § 1B1.10. Hence, retroactive application of that Amendment is not authorized, pursuant to § 1B1.10(a).

Even if Amendment 487 were applied to Langham, the result would be the same. In several instances, the PSR attributes crack to Langham and his organization. Furthermore, the Circuit found that crack was involved in the present case. U.S. v. Langham, 991 F.2d 806 (10th Cir.1993). Moreover, the Circuit noted that Langham himself acknowledged to this Court that he brought powder cocaine to Tulsa and converted it into cocaine base (crack), and he responded affirmatively to this Court's inquiry as to whether he distributed "cocaine base crack." Thus, Langham's argument that cocaine base was not involved is meritless.

The Court finds that Langham failed to demonstrate that counsel's performance fell below the standard required by the Sixth Amendment. The Court is satisfied that counsel's performance in this case fell within the wide range of professional assistance, and the Court does not agree that the result of the proceedings would have been different but for the alleged errors of counsel. That is, the Court finds that Langham failed to show that "there is a reasonable probability that, but for counsel's [alleged] unprofessional errors, the result of the proceeding would have been different." Strickland

at 694.

Langham requests a hearing on the issues raised herein. Section 2255 provides that unless the motion and records conclusively show that Langham is entitled to no relief, the Court shall grant a hearing. In the present case, the Court concludes that the record conclusively shows that Langham is entitled to no relief, and a hearing would nonproductive. Hence, Langham's request for a hearing is denied.

Accordingly, Langham's motion pursuant to § 2255 is hereby DENIED¹.

IT IS SO ORDERED this 5th day of June, 1997.



H. Dale Cook
U.S. District Judge

¹ The Court notes that at the time Langham was sentenced, § 2D1.1(c) assigned a level of 42 to offenses involving 15 KG or more of cocaine base. However, on November 1, 1994, Amendment 505 became effective, which amended § 2D1.1(c), and which now assigns a level of 38 to offenses involving 1.5 KG or more of cocaine base. The Court further notes that retroactivity of Amendment 505 is authorized under § 1B1.10(a) and (c). Hence, Langham may be entitled to a four-point reduction of his base offense, resulting in a level of 38. However, even if the Court were to reduce the base offense level, Langham's sentence would nevertheless remain the same; a base level of 38 plus a two point weapons enhancement and a three point role enhancement, yields a total offense level of 43, which requires life imprisonment.

ENTERED ON DOCKET
DATE 6-6-97

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD LEE COLTHARP, aka
Andrew P. Halle,

Defendant.

97-CR-32-K

FILED

JUN 04 1997

ORDER

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Leave of Court is granted for the filing of the foregoing Motion to Dismiss Indictment, and the Court hereby orders dismissal of the Indictment against DONALD LEE COLTHARP without prejudice.


UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

JUN 4 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-082-03-C

ENTERED ON DOCKET

WAYNE RICHARD GUNWALL
 Defendant.

DATE 6/4/97

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, WAYNE RICHARD GUNWALL, was represented by Creekmore W. Wallace, II.

On motion of the United States the court has dismissed Counts 2 & 3 of the Indictment.

The defendant pleaded guilty on January 6, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
8 USC 371	Conspiracy to Interfere With Administration of Internal Revenue Laws	6/30/94	1

As pronounced on May 21, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 4th day of June, 1997.


 The Honorable H. Dale Cook
 United States District Judge

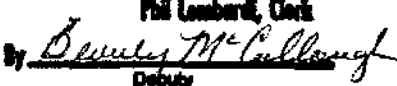
Defendant's SSN: 502-52-5593

Defendant's Date of Birth: 3/13/46

Defendant's residence and mailing address: 409 E. Detroit, Ponca City OK

United States District Court
 Northern District of Oklahoma } SS
 I hereby certify that the foregoing
 is a true copy of the original on file
 in this Court.

Phil Lombardi, Clerk

By 
 Deputy

Defendant: WAYNE RICHARD GUNWALL
Case Number: 96-CR-082-03-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of fifteen (15) months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on June 30, 1997.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: WAYNE RICHARD GUNWALL

Case Number: 96-CR-082-03-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. The defendant shall abide by the IRS laws of the United States, and provide any requested documentation of such compliance.
7. The defendant is prohibited from preparing or assisting in the preparation of income tax returns other than his own.
8. The defendant shall not file tax liens or cause or assist others in doing so.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: WAYNE RICHARD GUNWALL
Case Number: 96-CR-082-03-C

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 3,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: WAYNE RICHARD GUNWALL
Case Number: 96-CR-082-03-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ n/a

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

RA

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

JUN 4 - 1997

UNITED STATES OF AMERICA

v.

Case Number 96-CR-87-03-BU

 Phil Lombardi, Clerk
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF OKLAHOMA

DONALD RAY BRYANT
 Defendant.

ENTERED ON DOCKETDATE 6-4-97

JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed On or After November 1, 1987)

The defendant, DONALD RAY BRYANT, was represented by Craig Bryant.

The defendant pleaded guilty on October 28, 1996, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1) 18 USC 2	Possession With Intent to Distribute Methamphetamine & Aiding and Abetting	1/7/96	1

As pronounced on May 23, 1997, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 3rd day of June, 1997.

United States District Court)
 Northern District of Oklahoma) SS

I hereby certify that the foregoing
 is a true copy of the original on file
 in this court.

Phil Lombardi, Clerk

By R. Miller
 Deputy

Michael Burrage
 The Honorable Michael Burrage, Chief
 United States District Judge

Defendant's SSN: 444-92-2324

Defendant's Date of Birth: 11/11/62

Defendant's residence and mailing address: 58801 E. 160 Road, Fairland OK 74363

Defendant: DONALD RAY BRYANT
Case Number: 96-CR-87-03-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of sixty (60) months.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate the facility at Springfield, Missouri for the defendant to serve this term. The Court further recommends that the defendant receive chemical dependency treatment through the Bureau of Prisons' Substance Abuse Treatment Programs.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 1:00 p.m. on June 24, 1997.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: DONALD RAY BRYANT
Case Number: 96-CR-87-03-BU

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: DONALD RAY BRYANT
Case Number: 96-CR-87-03-BU

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	31
Criminal History Category:	VI
Imprisonment Range:	188 months to 235 months
Supervised Release Range:	to 5 years
Fine Range:	\$ 15,000 to \$ 15,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range: upon motion of the government, as a result of defendant's substantial assistance.

After

UNITED STATES DISTRICT COURT Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-058-001-H

LUCINNA MARIE WORTHAM
Defendant.

FILED
MAY 30 1997
Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET
DATE 6-3-97

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

The defendant, LUCINNA MARIE WORTHAM, was represented by Craig Bryant.

On motion of the United States the court has dismissed Counts 5, 6, & 8 of the Second Superseding Indictment.

The defendant pleaded guilty on July 12, 1996, to Counts 1 & 10 of the Second Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy	3/21/96	1
18 USC 1344 (1), 2(b)	Bank Fraud & Causing A Criminal Act	11/2/95	10

As pronounced on May 20, 1997, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 & 10 of the Second Superseding Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.


Signed this the 29TH day of MAY, 1997.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 446-78-4412

Defendant's Date of Birth: 10/22/68

Defendant's residence and mailing address: 5525 N. Iroquois Ave, Tulsa OK 74126

United States District Court
Northern District of Oklahoma)
I hereby certify that the foregoing
is a true copy of the original on file
in this court.
Phil Lombardi, Clerk

Deputy

65

Defendant: LUCINNA MARIE WORTHAM
Case Number: 96-CR-05-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 6 months as to Counts 1 & 10, said counts to run concurrently, each with the other.

The Court makes the following recommendations to the Bureau of Prisons: That Freedom House Community Correction Center be designated as the place of service of sentence.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on June 19, 1997.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: LUCINNA MARIE WORTHAM
Case Number: 96-CR-05-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years as to both counts to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
- d. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: LUCINNA MARIE WORTHAM
Case Number: 96-CR-05-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution as to Count 10 in the total amount of \$3,600.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Fleet Bank 225 Rainbow Mall Niagara Falls, NY 14303	\$3,600

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

The defendant is ordered to forfeit the following property to the United States: thirty-six listed items and approximately \$100,000 in U.S. Currency.

Defendant: LUCINNA MARIE WORTHAM
Case Number: 96-CR-05-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	12	
Criminal History Category:	IV	
Imprisonment Range:	21 months to 27 months	Counts 1 & 10
Supervised Release Range:	2 to 3 years	Count 1
	3 to 5 years	Count 10
Fine Range:	\$ 3,000 to \$ 1,000,000	Counts 1 & 10
Restitution:	\$ 69,988.61	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

Full restitution is not ordered for the following reason(s): because of the defendant's inability to pay.

The sentence departs from the guideline range: upon motion of the government, as a result of defendant's substantial assistance.

[Handwritten signature]

UNITED STATES DISTRICT COURT Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-146-001-H

KUNTA KINTE JORDAN a/k/a BLUE
Defendant.

ENTERED ON DOCKET
DATE JUN 3 1997

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

The defendant, KUNTA KINTE JORDAN, was represented by Stuart Southerland.

On motion of the United States the court has dismissed Counts 2 through 6 of the Indictment.

The defendant pleaded guilty on February 3, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
1 USC 841(a)(1) 18 USC 2	Distribution of Cocaine Base and Aiding and Abetting	8/2/96	1

As pronounced on May 27, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 29TH day of MAY, 1997.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 442-24-4778

Defendant's Date of Birth: 02/11/77

Defendant's mailing address: 1224 NW 101st Street, Oklahoma City OK 73114

Defendant's residence address: 500 S. Denver, Tulsa OK 74103

Defendant: KUNTA KINTE JORDAN
Case Number: 96-CR-146-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of thirty-seven (37) months.

The Court makes the following recommendations to the Bureau of Prisons: That the Defendant be placed in a Bureau of Prisons facility that can provide comprehensive substance abuse treatment during his term of imprisonment.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: KUNTA KINTE JORDAN
Case Number: 96-CR-146-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: KUNTA KINTE JORDAN
Case Number: 96-CR-146-001-H

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 500. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: KUNTA KINTE JORDAN
Case Number: 96-CR-146-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	18
Criminal History Category:	II
Imprisonment Range:	30 months to 37 months
Supervised Release Range:	3 years
Fine Range:	\$ 6,000 to \$ 1,000,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN - 2 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)

Plaintiff)

VS)

DANNY JOE DUVALL)

Defendant)

Case Number: 92-CR-028-002-E

ENTERED ON DOCKET

DATE 6/2/97

ORDER REVOKING SUPERVISED RELEASE

Now on this 22nd day of May, 1997, this cause comes on for sentencing concerning allegations that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on January 3, 1997. The defendant is present in person and represented by counsel, Mike Abel. The Government is represented by Assistant U.S. Attorney Scott Woodward, and the United States Probation Office is represented by Greg Johnson and Doug Burris.

The defendant was heretofore convicted on his plea of guilty to Count Two of a five-count Indictment, charging Aiding and Abetting in Assault with Intent to Rob a Postal

Employee, in violation of 18 U.S.C. § 2. On August 4, 1994, he was sentenced to fifty

ss
I hereby certify that the foregoing
is a true copy of the original on file
in this court.
Phil Lombardi, Clerk

By Brenda M. Cullough
Deputy


seven (57) months, with a five (5) year term of supervised release to follow. On February 4, 1994, Duvall's custody sentence was reduced to thirty-seven (37) months, with credit given for time already served. Duvall was also held jointly and severally liable for total restitution in the amount of \$6,103.30, ordered to pay a special monetary assessment of \$50, and required to participate in alcohol and drug testing and treatment.

On January 21, 1997, a revocation hearing was held regarding the allegation noted in the Petition on Supervised Release, filed on December 20, 1996, said allegation being that on December 16, 1996, the defendant committed new law violations: Driving Under the Influence, Driving While Revoked, No Insurance, and No Lights. Duvall stipulated to the violation at the revocation hearing, and sentencing was set for July 25, 1997. However sentencing was advanced to May 22, 1997.

On May 22, 1997, as a result of the sentencing hearing, the Court found that the violation occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable. Further, the Court found that the violation of supervised release constituted a Grade C violation in accordance with USSG §7B1.1(a)(3), and that the defendant's original criminal history category of III was applicable for determining the imprisonment range. In addition, the Court found that a Grade C violation and a criminal history category of III establish a revocation imprisonment range of five to eleven months. In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d

770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following was ordered:

The defendant is committed to the custody of the U. S. Bureau of Prisons to be imprisoned for a term of eighteen months. In arriving at this decision, the Court considered Duvall's long term chronic alcoholism and his failure to respond to treatment. The Court further notes that the defendant's self destructiveness and criminal behavior have rapidly escalated, making him a danger both to himself and others. Without long-term treatment and prolonged absence from alcohol, the defendant is likely to injure others or cause further harm to himself. The Court recommends that Duvall be placed in the next available Bureau of Prisons Intensive Substance Abuse Program. The defendant is ordered to pay remaining restitution in the amount of \$3,122.30. Duvall is remanded to the U.S. Marshal pending his placement with the Bureau of Prisons.


The Honorable James O. Ellison
United States District Judge

FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

JUN 2 1997

Phil Lombardi, Clerk
 U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 93-CR-063-001-E

RONNIFF UKAI THOMAS
 Defendant.

ENTERED ON DOCKET

DATE 6/2/97

AMENDED JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed On or After November 1, 1987)
 Direct Motion To District Court Pursuant To 28 USC § 2255

The defendant, RONNIFF UKAI THOMAS, was represented by Ernest Bedford.

The defendant pleaded guilty on August 6, 1993, to Counts 1, 2, & 3 of the Superseding Indictment. On March 31, 1997, the Court granted the Defendant's § 2255 Motion vacating the conviction in count 3. Accordingly, the defendant is adjudged guilty of Counts 1 & 2, involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 846, 841(a)(1), (b)(1)(A)	Conspiracy to Possess and Possession With Intent to Distribute Cocaine Base	3/5/93	1
21 USC 841(a) (1), (b)(1)(A), 18 USC 2	Possession With Intent to Distribute Cocaine Base, and Aiding and Abetting	3/5/93	2

As pronounced on May 23, 1997, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 & 2 of the Superseding Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2^d day of June, 1997.

Defendant's SSN: 447-66-4474

Defendant's Date of Birth: 11/24/73

Defendant's residence and mailing address: US Bureau of Prisons

James O. Ellison
 The Honorable James O. Ellison

Senior United States District Judge

I hereby certify that the foregoing
 is a true and correct copy of the Judgment on file
 in this Court.

Phil Lombardi, Clerk

Beverly M. Cullough
 Deputy

Defendant: RONNIFF UKAI THOMAS
Case Number: 93-CR-063-001-E

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of one hundred sixty-eight (168) months as to Counts 1 & 2, said counts to run concurrently, each with the other.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: RONNIFF UKAI THOMAS
Case Number: 93-CR-063-001-E

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Counts 1 & 2, said counts to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: RONNIFF UKAI THOMAS
Case Number: 93-CR-063-001-E

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	35	
Criminal History Category:	I	
Imprisonment Range:	168 months to 210 months	Count 1 & 2
Supervised Release Range:	5 years	Count 1 & 2
Fine Range:	\$ 20,000 to \$ 8,000,000	Count 1 & 2
Restitution:	\$ n/a	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: Based on sentencing recommendations of the Government and Defendant, and history and characteristics of the Defendant.

Age